

August 11, 2010

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TOWN OF NEW WINDSOR

PLANNING BOARD

AUGUST 11, 2010

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
HENRY VAN LEEUWEN  
HOWARD BROWN  
DANIEL GALLAGHER  
HARRY FERGUSON

ALTERNATE: HENRY SCHEIBLE  
NEIL SCHLESINGER

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER  
BUILDING INSPECTOR

NICOLE JULIAN  
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

REGULAR\_MEETING

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HUDSON\_VIEW\_MOBILE\_HOME\_PARK

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MR. ARGENIO: I'd like Dominick and Jennifer somebody  
give the board a brief update on where we are with our  
first legal issue with the trailer park, this Hudson  
View trailer park that we discussed last time you  
remember so where are we at?

MR. CORDISCO: Mr. Chairman, as you recall, I was not at the last meeting, my partner, Steve Gaba was here and also I got a copy of the minutes. I reviewed them so I'm fully familiar with what transpired at the meeting and I have a check that's sitting on my desk.

MR. ARGENIO: You have a what?

MR. CORDISCO: A check for \$250 which is the payment that was tendered for the renewal which the board did not accept. Now as everyone knows, the board has the obligation and the authority to issue renewals for mobile home trailer parks. You would think that when you have the ability to issue renewals that you also have the ability to deny renewals and in effect, that's what the board has done because there's been a long history of outstanding violations here. However, the code actually provides a separate process for revoking a permit and that involves the building inspector drafting up a notice that the permit should be revoked and then that has to be served on the owner of the mobile home park and then they have the ability to cure the violations within a 10 day period and if they don't cure the violations, they can also request a hearing. It's not a hearing before this board, however, it's a hearing before the zoning board.

MR. ARGENIO: Mr. Bedetti, were you here at the last meeting?

MR. BEDETTI: Yes, sir.

MR. ARGENIO: Go ahead, Dominic.

MR. CORDISCO: So at this point, I have been working with Jennifer and we're crafting a list and it's quite a lengthy list, actually, this is Jennifer's file, you can see it's over an inch and a half thick that has outstanding violations on each and every trailer in

that mobile home park. So we're providing a full list of all the outstanding issues and that will be sent to them under the guise of a notice to revoke their permit. They will then have a very short turnaround time to correct those violations.

MR. ARGENIO: That's the 10 days you referred to?

MR. CORDISCO: That's correct.

MR. ARGENIO: Is this notice served by a process server or a police officer?

MR. CORDISCO: It should be served by a process server.

MR. ARGENIO: Jen, are you going to see to that?

MS. GALLAGHER: Yes.

MR. ARGENIO: Anybody have any questions?

MR. CORDISCO: At this point, I'm not depositing the check, I'm not having dinner on the check, you know, I'm not touching the check.

MR. VAN LEEUWEN: Better not. To jail you go.

MR. ARGENIO: So what do we do with the check, Dominic, at some point in time that's got to be returned?

MR. CORDISCO: When we issue the notice to revoke their permit and then they don't cure within 10 days then we send the check back to them saying that they have the right to a hearing. But as far as we're concerned, the permit is revoked.

MR. ARGENIO: So you're going to work with Dominic, Jen, over the next few weeks get the notice out, give them the 10 days, if they disregard the notice or defy the notice or don't respond to the notice, what's the

next remedy after that?

MR. CORDISCO: Well, at that point, they can be shut down because technically, they don't have a permit to operate within the town.

MR. ARGENIO: Okay, well, do I need any vote, just I'd like to proceed?

MR. CORDISCO: No, that's why I was bringing up about the zoning board is that and that's back to my point is that while this board issues renewals, you don't have the power to take away. So there's nothing further that this board other than the only time it will come back to this board is if they correct their violations within the timeframe and then come back for the renewal.

MR. ARGENIO: So the next step would be they would be in front of the zoning board?

MR. CORDISCO: Correct, correct, if they request a hearing.

MR. ARGENIO: And you would probably go to Jennifer to that if they request that hearing?

MR. CORDISCO: If the town would like me to, I'd be happy to.

MR. ARGENIO: Keep us updated on that, Dom and Jennifer for next week as well.

MR. CORDISCO: Certainly.

MR. ARGENIO: Anybody sees fit, let's get this done. Harry, why don't you come up, please, it's four minutes after 7.

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APPROVAL\_OF\_MINUTES\_DATED\_JUNE\_30,\_2010

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MR. ARGENIO: First item of business if anybody sees fit, I'll accept a motion we accept the minutes as written dated June 30 and sent out via e-mail on July 8.

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

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ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW:

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LEASE\_MOBILE\_HOME\_PARK

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MR. ARGENIO: Somebody here from the Lease Mobile Home  
Park? No? If they come in, point it out and we'll get  
to him. What's the problem? You spoke to them?

MS. JULIAN: Yes.

MR. ARGENIO: Let me know if John comes in or if  
somebody comes in.

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#### WOODLAWN

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MR. ARGENIO: First item Woodlawn was removed from the agenda in so much as they have a lot of corrections to make on their plans and it was not appropriate in the opinion of myself and after discussing with Mr. Edsall that they be here to take up the board's time, they have a lot of work to do before they get to this level.

DECLARATION\_COURT\_(09-19)

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OLES\_DRIVE\_(09-21)

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MR. ARGENIO: So that would bring us to Declaration Court, John Paul Jones Lane and Colonist Trail Declaration Court lot line change, Mt. Airy Estates, The Reserve between John Paul Jones lane and Colonist Trail. Somebody here to represent this?

MR. CORDISCO: Mr. Chairman, actually, this item and the following item Oles Drive should be heard together because they were concurrent applications.

MR. ARGENIO: Okay.

MR. CORDISCO: Well, separate applications but they were both represented by Marvin Rosenswag.

Mr. Marvin Rosenswag appeared before the board for both proposals.

MR. ARGENIO: Tell us what you're doing here.

MR. ROSENSWAG: We received an approval on the lot line change a year ago provided we were able to secure all the signatures of everybody and all the approvals and we ran out of time and I'm here to request an extension of that time.

MR. ARGENIO: You say you received approval?

MR. CORDISCO: Mr. Chairman, I can provide.

MR. ARGENIO: Shed some light.

MR. CORDISCO: These were lot line changes, both items number one and number two that did receive conditional final approval last July, July 15 of 2009. As we all know, conditional final approvals are only valid for



360 days. There was a, there is a water line that goes through these properties that was to be dedicated to the town with the lot line change, the lot line as I understand it was eliminating paper roads as part of the prior subdivision approval and there was supposed to be a grant of an easement to the town to maintain its water line on what would now be private property instead of a future road.

MR. ARGENIO: Do we have that easement?

MR. CORDISCO: Well, that's the issue. There was descriptions that were prepared by the applicant's engineer that were went in I think in June and then in July after coordinating with the applicant's attorney and giving them what, cause she asked, she asked for a standard form of easement which I provided to her, she provided me with a copy of a draft easement which would be the normal course of procedure for us to review and the draft easement was not in the form that I had provided. And then when I woke up and I took a look at the dates, I realized that the actual approval had expired, so the 360 days that they had to satisfy the conditions of this prior approval had already lapsed. And my suggestion to the applicant's attorney was to make the request to the board for a reapproval to start a new 360 day clock because we're in a position where even though they're attempting to satisfy the conditions the time had run.

MR. ARGENIO: Let me ask you two questions, I'm going to ask you what's your last name?

MR. ROSENSWAG: Rosenswag.

MR. ARGENIO: Dominic, do you have the easements in an appropriate form?

MR. CORDISCO: The easements were not in the form that I had preferred but they were also reviewed by the town

attorney.

MR. ARGENIO: Are they in a form that's lawful?

MR. CORDISCO: The town attorney has signed off on them.

MR. ARGENIO: Okay.

MR. CORDISCO: And I can explain why but probably make your eyes glaze over.

MR. ARGENIO: If Michael's signed off, he's an attorney the same as you are. And I think I asked this question last time Mr. Rosenswag?

MR. ROSENSWAG: Call me Marvin.

MR. ARGENIO: Do the property owners know they're getting the property?

MR. ROSENSWAG: Yes, they have even signed all the documents that have to be signed.

MR. ARGENIO: I think I asked the same question last time.

MR. ROSENSWAG: There had been a change of ownership on one of the properties that but person has signed off with review of their attorney, everything is in order, everybody's signed off. I have some documents that have their signatures on it that Dominic brought up the drainage easement they have signed off on the drainage easement aspect as well so they're ready to accept property, they're actually waiting for me to come up with everything being registered in Goshen already.

MR. ARGENIO: So why did it take a year to do this?

MR. ROSENSWAG: It's easier if I just blame myself but

I'm not going to but the stimulus package allowed, made the lawyers very busy in reviewing everything in terms of the 8,000 grant that they were giving home buyers so some of the attorneys were very busy with that particular aspect.

MR. ARGENIO: Must have some busy attorneys brother, I'll tell you what.

MR. ROSENSWAG: I haven't noticed it in the building business so many houses being closed but--

MR. VAN LEEUWEN: Tell me where these are located?

MR. ROSENSWAG: Off Bethlehem Road, Oles Drive and within the development is Declaration.

MR. ARGENIO: The negative dec is still valid?

MR. CORDISCO: Correct, and I prepared resolutions on both of these items.

MR. ARGENIO: Let's deal with Declaration Court first, that's what we're talking about. Anybody have any questions? I feel like I'm the only one talking. This should be a matter of renewal but I wanted to make sure that we're covering all the bases. Mark, you had a comment?

MR. EDSALL: Yes, just again repeating what we did probably on July 15 last year we're splitting what would be a town road and effectively having the land that the developer owns that was supposed to go to the town conveyed.

MR. ARGENIO: That's going to go to the separate properties?

MR. EDSALL: It's being split multiple ways which is great. The only thing we need to ensure is when the

property owners receive the chunks of land that they're merged into the land they have so that we don't end up with small pieces of property which is, they could attempt to build on, they can attempt to sell separately, they don't pay the taxes, they go for tax sale, whatever you want to say, it's not an acceptable condition.

MR. ARGENIO: How do we do that?

MR. EDSALL: Our office has reviewed the description of the merged lot and those are all acceptable as far as the town's concerned. What they do in the middle how they convey it as long as they end up with the lots merged we don't care about the steps, that's up to the attorneys. But we have to be clear with the applicant because there has been a hearing problem with the attorney on the other side that they have to end up merged and that's what we have to review merged descriptions because, you know, we've ended up in this town with pieces of property scattered all over that are, that are a headache down the road.

MR. ARGENIO: What methodology do we have as a planning board?

MR. EDSALL: The descriptions that we reviewed are fine, counsel can be, we can ask the applicant to get counsel verification that the merged deeds have been filed.

MR. CORDISCO: Correct, all we need--

MR. ARGENIO: You'll do that?

MR. CORDISCO: Yes, I will.

MR. EDSALL: We asked for this in '09 so I'm just asking again in 2010.

MR. ARGENIO: Anybody else on this?

MR. VAN LEEUWEN: No, I don't.

MR. ARGENIO: I'm going to, they seem to be identical applications so inasmuch as the negative dec is fit, I'm going to start with Declaration Court lot line change, Mt. Airy Estates, The Reserve, if anybody sees fit that we offer final approval, a reapproval for application project number 9-19. I'll accept a motion.

MR. VAN LEEUWEN: For reapproval.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded for reapproval for application 09-19 at The Reserve. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to go to the second one and I'm going to refer to it by number so we have, we avoid any other complications that may happen. This is application 09-21 of the Town of New Windsor Planning Board, Oles Drive lot line change, Mt. Airy Estates, The Reserve. If anybody sees fit, I will, I'd like to make a motion we offer them reapproval, I'll accept that motion.

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: I have a motion and a second.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Marvin, thank you for coming in and you're going to get it done this time right?

MR. ROSENSWAG: I hope to get it done as soon as possible, everything's lined up so--

MR. ARGENIO: Excellent.

MR. ROSENSWAG: Have a wonderful evening.

MR. ARGENIO: You too, thank you.

APPLE\_RIDGE\_SUBDIVISION\_(08-16)

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MR. ARGENIO: Next on tonight's agenda is Apple Ridge subdivision, Shaw Road. Who's here to represent this? This is the Apple Ridge major subdivision, the cluster subdivision which is the resubdivision of the lands of Minard on Shaw Road.

MR. ESPOSITO: Steve Esposito, Esposito and Associates.

MR. PFAU: And Joe Pfau, Pietrzak and Pfau.

MR. ESPOSITO: Actually, it's just a cluster plan.

MR. ARGENIO: Give them to the boys over there. Okay, tell us what you guys are doing here. You've been here a couple times.

MR. ESPOSITO: Just real quick on the history we were here, Apple Ridge, it was a 200 acre site adjoining Shaw Road, access is off Shaw. We received preliminary approval for 49 lot subdivision serviced by individual wells and septic. The applicant's Mike Walker and Roger Mumford who purchased the land behind that's about another 118 acres.

MR. ARGENIO: So what was it?

MR. ESPOSITO: Originally 200 acres with the 49 lot subdivision, we bought the Duskin farm after the preliminary approval was granted.

MR. VAN LEEUWEN: And also the Dolan farm.

MR. ESPOSITO: Then we came back before this board with a sketch plan for a cluster plan, it was 107 lot cluster plan. We then went after you reviewed went to the Town Board and got authorization to cluster, came back and re-reviewed that concept plan with you and were sent out to your preliminary and engineering.

Since then, the applicant purchased or is in contract to purchase another farm to the southwest which is another 101 acres.

MR. ARGENIO: Total?

MR. ESPOSITO: Just under 419 acres.

MR. ARGENIO: Big piece of land.

MR. VAN LEEUWEN: Biggest one left in New Windsor.

MR. ESPOSITO: The applicant has put those together, your first sheet that you have before you is what we call a constraints analysis, shows the topo, slopes, wetlands and vegetation. We do an analysis to get to the net acreage, there's 73 acres and net buildable of 346 acres. The second sheet of the plan is the conventional or yield plan and we have reviewed this plan with Mark and that plan under conventional zoning yielded 138 units or 138 lots.

MR. ARGENIO: That's a non-clustered plan?

MR. ESPOSITO: That's the non-clustered plan and basically from our original cluster plan to the plan that you have before you there's an additional 32 lots as a result of purchase or going into contract for the 101 acres.

MR. ARGENIO: Additional 32 lots so we're talking about?

MR. ESPOSITO: It's 138.

MR. VAN LEEUWEN: Total?

MR. ESPOSITO: Total in a cluster on the basis of property so what, so this plan or the top sheet of the reduced plans that shows the cluster plan and if you



remember we have clustered some key components to that on Shaw Road, we maintained a 200 foot buffer off the road before any proposed units.

MR. ARGENIO: Point to Shaw.

MR. ESPOSITO: Shaw Road's right here. So we have a buffer off Shaw then we go in and there's like two clusters and a looped road two means of access, the access points are the same as we used in the original application that had been previously reviewed by the highway superintendent. We're reusing those, we have delineated the on-site wetlands, both corps and DEC.

MR. ARGENIO: What I'm seeing here is about double the size of lot area and 31 additional lots.

MR. ESPOSITO: Thirty-two.

MR. ARGENIO: Okay.

MR. ESPOSITO: And basically what this plan yields is 346 acres of open space.

MR. ARGENIO: Who owns that open space and what happens to it?

MR. ESPOSITO: Well, that's the second sheet that you have but that represents 82 percent of the site, the 420 acres plus or minus 82 percent of that will remain under as open space owned by the HOA associated with this or as you'll see we have two areas where we show two farmettes and the balance of that if you look on the fourth sheet the--

MR. ARGENIO: Two giant lots, bottom line you have a farm.

MR. ESPOSITO: Vineyard, farm, horse farm.

MR. ARGENIO: Probably get an AG rating.

MR. ESPOSITO: The darker green will have an AG easement and will be dedicated to the town but privately owned, the lighter area's owned by the HOA and the beige areas are the residential areas.

MR. ARGENIO: That's a clubhouse?

MR. ESPOSITO: No, actually, that's a small parking area for the utilities, we're going to have on-site sewer and on-site water.

MR. ARGENIO: There's got to be something there.

MR. ESPOSITO: Well, if you look back on the other sheet you'll see that in this brown area this just is representing land uses, utility, you look down here proposed municipal or utility lands so we didn't include that in the open space regulations.

MR. VAN LEEUWEN: In other words, for storage for tractors and so forth for mowing purposes?

MR. ESPOSITO: No, the brown area's going to be our water filtration plant that type stuff.

MR. CORDISCO: I don't want to interrupt Mr. Esposito from his presentation but I want to point out in terms of future ownership of open space lands, it is by no means a given that the town would want to own or hold a conservation easement over open space lands because in effect, the town becomes a steward and make sure that no--

MR. ARGENIO: I couldn't agree more.

MR. CORDISCO: There are stewardship organizations like the Orange County Land Trust which is in the business--

MR. ARGENIO: Mr. Schlesinger is here.

MR. CORDISCO: But in any event, those particulars would have to be worked out. I just wanted to point it out, he's right, it's a proposal, some towns like the easements dedicated to them.

MR. ARGENIO: Bill Steidle will take that land, Bill, right?

MR. STEIDLE: Orange County Land Trust.

MR. ESPOSITO: We know them well.

MR. STEIDLE: They're interested in that.

MR. ESPOSITO: And we've dealt with Orange County Land Trust on numerous projects throughout Orange County.

MR. CORDISCO: Even with a conservation easement it would be possible to do farming on those properties, it's not full restrictions.

MR. ARGENIO: What size are these lots about?

MR. ESPOSITO: The residential lots?

MR. ARGENIO: Yes.

MR. ESPOSITO: They probably average 95 or 100 in width by 150 depth.

MR. ARGENIO: Half an acre?

MR. PFAU: It's 100 by--between a third and half acre.

MR. ARGENIO: They're very tight, why are they small?

MR. PFAU: If you deepen them you can get to half acre but it's really, it's on paper, I mean, the look of the

houses themselves will remain the same. They're narrowed down because there's more open space.

MR. ARGENIO: What are the constraints, why wouldn't you deepen those lots let's say for instance why would you not do that?

MR. ESPOSITO: And that's something we could do, in other words, if it's, if the homeowners' association is going to own this open space, it's easier to maintain it and police it, if it's under one piece, this easement's over a dozen lots, just gets a little trickier in some areas in here we have some environmental constraints, we have slopes, wetlands.

MR. ARGENIO: Let's talk about this area specifically, why wouldn't you push the lot lines to the property line, why couldn't do you that?

MR. ESPOSITO: That we could do, I mean, it's just--

MR. ARGENIO: Mark, you follow me on this?

MR. EDSALL: Yeah.

MR. VAN LEEUWEN: Have some bigger lots and smaller lots.

MR. ARGENIO: That's what I'm thinking.

MR. EDSALL: This might be an opportunity for us to follow up on a discussion that we had had, we had talked about the issue of lot sizes and with the cluster subdivision, obviously there's flexibility in establishing lot sizes and bulk requirements. And as a follow-up to our discussion, I spoke with our counsel and Mr. Cordisco has filled me in on the timing when those decisions are made, so I think it would be helpful for him to put that on the record so everyone's aware of it and it would help us understand where in

the process that's got to be nailed down.

MR. CORDISCO: For a standard subdivision, the board has to live with and the applicant has to live with the bulk requirements that are set as part of the zoning. When someone as here is requesting a cluster subdivision, the planning board reviews it, a yield plan is prepared, which is what they have done to show you how many homes they can fit on the property under a standard subdivision. But if the board likes the cluster plan and cluster layout, the board would then refer it to the Town Board. And if the Town Board agreed that the cluster layout was appropriate for this site, then they would grant the planning board the authority to cluster this project. What does that mean? That means that the board would then have the ability to waive and modify the bulk requirements so that you could end up with a project that has the same amount of homes that you would have on the yield plan on the standard plan clustered so that you have the ability to modify bulk area requirements, setbacks, minimum lot size, all of that. Just so that we're clear though, the Town Board doesn't set those, the Town Board is giving you the ability to change them around only as it applies to this site. Now in particular, this site has already been to the Town Board for cluster authorization.

MR. ARGENIO: It seems to me I don't want to say we're starting at square zero but we are certainly with these.

MR. CORDISCO: It's got to go back.

MR. ARGENIO: I think so, doesn't it?

MR. CORDISCO: The cluster authorization applies to a piece of property. They have now expanded the piece of property even though the development is going to be taking place as I understand it in the same areas that

it was taking place before but they're adding additional property into the overall cluster, for it to be cleanest and for the board to be clearest as far as they have the authority to do it, I think it has to be re-referred to the Town Board.

MR. ARGENIO: Henry, go ahead.

MR. EDSALL: The important point just to finish is that the final decision on the bulk requirements need not be made now as long as the planning board and then the Town Board agree that this is an appropriate location for clustering. You could share your interest and concerns with them now and when they come back they could have that information for you about some variable lot sizes, adjusting lot dimensions that you would do after the Town Board says yes, we agree this is an appropriate site for clustering.

MR. ARGENIO: Okay.

MR. CORDISCO: In which case the ceiling would be the number of units on the yield plan.

MR. ARGENIO: Henry, you're waiting with bated breath, go ahead.

MR. VAN LEEUWEN: I think one of the things we're concerned about back here on this end over here, okay, is a lot of people if it's not their property they use it for dumping grounds and you'll see brush and all kinds of crap there, okay, let me tell you, I own property, where the heck am I, right over here, you'd be amazed what people dump over the fence, you'd be amazed, broken wheelbarrows, you name it, they'll just dump it. And I think that's what that is one of my worries that's why I like to see these lots wherever possible extend it so you don't leave too much of the green space down here, you have green space here, they're not going to take a wheelbarrow and come all

the way down here, they're not going to do that but here if you can make these lots a little bit bigger like in through here cause you've got small lots here and you've got bigger lots here but if you just continue those lines people won't dump it on their own property but they'll dump it on the neighbor's property.

MR. ARGENIO: Harry or Howard or Danny, if you have commentary, please don't hold it back. My thing is I'm in 100 percent agreement with what Mr. Van Leeuwen just said, you've heard of Levittown, not in New Windsor, not as long as this group is up here.

MR. ESPOSITO: If I could just, one of the things I agree with Dominic and Mark, we were here tonight because we have revisited the plan that was, that had got the authorization from the Town Board to cluster, we added the other 101 acres, 32 additional lots, the lot sizes are essentially the same. We talked about it actually if you have a couple minutes we can run through them, we analyzed if you recall we did some streetscapes and looked at the proposed dwellings, we're striving for production, something that's market driven in this market, the world has changed, we abandoned the 80,000 square foot lots and miles and miles of roads and big boxes to something that we think is more appropriate market wise as well as a little bit more sensitive to the site.

MR. ARGENIO: What size is the home typically?

MR. ESPOSITO: Roger?

MR. ARGENIO: I'm just looking for a number, 1,200 1,500, 2,500, 3,500?

MR. MUMFORD: The answer is that the homes will be--

MR. ARGENIO: Would you please stand up and just give

your name for Franny, please?

MR. MUMFORD: Yes, my name is Roger Mumford. The homes that we have designed at this point which we're completing the working drawings on they'll all be copyrighted, they're completely original plans, they range from 1,600, 1,500 square feet to 2,500 square feet, clearly we can add homes that are larger but there's certain critical aspects of the home that impact the size. But the key here is these homes have eliminated rooms people do not use and they're for example the 1,685 foot the family room is 16 x 26, usually you don't find that in the 3,000 foot home.

MR. ARGENIO: It's big.

MR. MUMFORD: Yes. By using some new technology with basements and lower level living we can take a 1,685 home that's only 46 feet wide and it will feel like a 3,000 foot home with either walk-up attics that are incorporated like 50 years ago where the basement technology. The other thing just a brief point not taking too much of your time whether it's carriage house garage doors are really attractive, exterior lighting, all this is standard, this is a new world regardless what other people may be doing out there, we're going to be finishing homes to a high standard.

MR. ARGENIO: You're going to make your own standard.

MR. MUMFORD: Exactly right, in terms of Levittown, Normal Rockwell colors, these are things I'm not just talking about, it's been my life so I assure you.

MR. ARGENIO: You've done other clusters?

MR. MUMFORD: Yes.

MR. ARGENIO: How many, 10, two?



MR. MUMFORD: Well, off the top of my head I've built 80 or 90 subdivisions, I've clustered most.

MR. ARGENIO: That answers my question.

MR. MUMFORD: Since 2000 I've been doing large scale.

MR. ARGENIO: What towns?

MR. MUMFORD: Mostly in New Jersey, Pier Village, 250 million dollar project I did about five years ago, Boundbrook, I can provide you with a list.

MR. ARGENIO: That's fine.

MR. MUMFORD: If you could see them, they're extraordinarily successful.

MR. ARGENIO: I'm happy to hear that. If I remember correctly, you stood up last time and said about the same thing because I think we're on a similar page. Danny, do you remember a similar course of discussion?

MR. MUMFORD: It's come a long way since then, it really has.

MR. ARGENIO: And obviously, this board is certainly not in disagreement with the cluster concept because you were sent to the Town Board last time so well, let's get back on point here. Couple of comments from Mark here, I'm not going to read them to you because you can read, I'm sure you can. Just go through his comments, he's got a very couple minor technical things. I want to read this last bullet here for the cluster plan lots 43, 44 and 87 appear to have narrow access which causes very low values for lot width frontage, this may be a problem depending on the bulk values set by the Town Board for the cluster. Dominic is that not contrary to what you said before?

MR. EDSALL: That's when I'll call it interrupted earlier is because the way cluster approvals have occurred in the past, it was quite a number of years ago and it's apparent that things have changed legally, that's why I sought out some assistance from Dom and in fact that statement is corrected, it's going to be now actually been done here.

MR. CORDISCO: It's a possible way of approaching this in terms of in that instance, the town would basically create a new zone, a new cluster zone and so this particular property would show up as its own on the zoning map with its own bulk area requirements, that's not necessary.

MR. ARGENIO: I'm okay with the whole thing, just want to make sure I understand.

MR. EDSALL: Just for the record, Mr. Chairman, I did look at their as it might be by right conventional plan and the reference to the road at the end of comment 2 is not a problem, it's, or at the end of page one rather it's just noting that they did pick up additional land, they access some areas off Blooming Grove roadways that were not part of the project before but their conventional plan from my review all the lots were legitimate and all the areas they propose for development didn't create code problems with encroachments into wetlands, those type of things.

MR. ARGENIO: Danny, any thoughts Danny Gallagher, Harry? You got anything?

MR. VAN LEEUWEN: I already explained my thoughts otherwise I have no problem with the project.

MR. ARGENIO: What do we need to do here guys--

MR. EDSALL: I would refer it to the same course as last time refer it to the Town Board and see if they're

still in agreement with the concept of cluster and just make it very clear that on the return trip we're going to start nailing down the bulk numbers and hopefully you can come to agreement.

MR. ARGENIO: Think about those lots, Mr. Esposito, the goal is to have, let's try not to have these tiny, tiny small lots, if you can add some area to some of these lots it would be great if you can do that.

MR. ESPOSITO: Okay.

MR. ARGENIO: It would help us to look at this thing a little better. Do we need to vote on that, Dominic?

MR. CORDISCO: Yes.

MR. ARGENIO: I'll accept a motion that we refer these applicants to the Town Board.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You have been referred to the Town Board, see what you can do.

MR. ESPOSITO: Thank you very much for your time.

RIDGE\_RISE\_SITE\_PLAN\_(04-27)

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MR. ARGENIO: Next on tonight's agenda is Ridge Rise multi-family site plan. The application proposes development of the 30 plus acre parcel into 133 unit multi-family development with 22 structures and a clubhouse building. The plans were previously reviewed the 13 October, 2004, 25 October, 2006, 26 March, 2008 and 18 November, 2009 planning board meetings. I see Mr. Zepponi is here to represent this. Can you please tell us where we're at here with this, Mr. Zepponi?

MR. ZEPPONI: Okay, for the record, my client is also here, owner and applicant, Mr. Tomer Slutsky. As you may recall at the last meeting, although we paused that meeting in that there was a question on jurisdiction, we were not doing the wetlands and I had no correspondence validating what part of the wetlands has already been approved or not.

MR. ARGENIO: You said you had approval from the DEC or something if I remember.

MR. ZEPPONI: Right, I was told we had approval from the corps, I didn't have any letters from DEC or the corps with regard to jurisdiction because we weren't doing that part of the project. Since then we've got that and submitted those letters to Mark.

MR. ARGENIO: Do you have that?

MR. EDSALL: I have a letter from the Army Corps.

MR. ZEPPONI: Right.

MR. EDSALL: Go ahead, I don't know whether or not there's a misunderstanding but I haven't seen anything from DEC, they haven't issued any correspondence yet.

MR. ZEPPONI: There was one letter from DEC that was

issued which the corps had received it, they have the jurisdictional interest, jurisdictional agreements and DEC sent back to not us but to the environmentalist that I believe they want to see a study done on the, the bog turtle and on a bat and they would condition, condition the approval would be on a WS4 being done by your office after we submitted an NOI.

MR. EDSALL: We don't have a copy of DEC's correspondence, if you can make sure we get that.

MR. ZEPPONI: Okay, that's fine.

MR. EDSALL: I don't have it in my file.

MR. ZEPPONI: We didn't get it directly, we got it through the environmentalist, it was a letter that was sent as I understand it interjurisdictionally when we, when the corps took jurisdiction. DEC, they have comments, we never submitted anything, when I say we, I'm assured by the environmentalist we didn't submit anything.

MR. ARGENIO: You should be bringing that guy here, the environmentalist, I would think.

MR. ZEPPONI: I thought we had it clear with the Army Corps taking jurisdiction.

MR. ARGENIO: Mark says--

MR. CORDISCO: I've seen it as well and it is, it has conditions attached to it.

MR. ARGENIO: I see there's a timeframe on it.

MR. CORDISCO: The conditions namely being that they have to get a water quality certificate from the DEC.

MR. ZEPPONI: That's correct, presuming there are no

major changes tonight within a week we'll be submitting an NOI to Mark's office pursuing that they had requested a bat survey that was done, they found brown bats which are common but not the Indiana bat that they were concerned about and they had done a bog turtle search and come up with no evidence of bog turtles so all that's been satisfied.

MR. ARGENIO: You got them out of there three years ago.

MR. VAN LEEUWEN: Is that house still there?

MR. ZEPPONI: Yes.

MR. VAN LEEUWEN: That's where the bats are.

MR. ZEPPONI: Brown bats are anywhere, the Indiana bats live in mines.

MR. ARGENIO: Tell me where you're at with the SWPPP, you've got a lot going on here.

MR. ZEPONNI: Okay, so we did take the opportunity back then to talk about whatever this board saw that they thought might be an improvement because there were some changes and this board wasn't necessarily in complete agreement with and basically major comment was behind the units, we had 10 to 15 feet of buffer before we got into the wetlands and the comment here was maybe we can improve that so we took the time and did that.

MR. ARGENIO: I think the point was Mr. Zepponi that literally the corner of the building was intersecting with the wetlands.

MR. ZEPPONI: That's correct and we didn't oppose it and we took the time and adjusted it, we tweaked some units, we pulled them forward. And right now, the minimum distance from any corner to any unit to a

wetland line is 20 feet. So we took that into account, we addressed it and those little tweaks are all that's happened to this plan since the last couple of times it's been submitted. The roadways remain the same essentially with a little tweaking the number of units remain the same, the drainage patterns remain the same, essentially the lighting style and fixtures are the same, essentially it's just minor tweakings that result from the comments that were made here and through Mark's office.

MR. ARGENIO: What's the road to the south?

MR. ZEPPONI: This is Corporate Drive here.

MR. ARGENIO: What's the other one, Washington Green?

MR. ZEPPONI: This is Washington Green. We have the ability to make an emergency connection in two places, Washington Green, but it will be closed off also Corporate Drive will be closed off but it too has a breakaway for emergency only.

MR. ARGENIO: Corporate Drive is a public or private road?

MR. ZEPPONI: It's shown within our property but obviously has access, probably grandfathered.

MR. VAN LEEUWEN: It's a private road because we have been fighting about that road for years.

MR. ZEPPONI: All the buildings have access to it but it shows up on our deed, I didn't do the title search but indicated to me referred--

MR. ARGENIO: Are you going to be improving that road?

MR. ZEPPONI: There will be a matter of fact when we run, there's a sewer connection that we're going to

hit, we know we need to improve that sewer line, there will be looping of the water through here so by the time we're done, the road will have to be improved by the time we rip it up to get all the utilities in.

MR. ARGENIO: Okay.

MR. ZEPPONI: The water line will come in this side, loop through that side and at a point to the north.

MR. VAN LEEUWEN: That will be the main entrance?

MR. ZEPPONI: Within the site we loop them again, we also have the ability to extend the water line if Washington Green wants to loop into our system, we can double loop it again we're going to extend it right to the property line.

MR. ARGENIO: Tell me about the sewer.

MR. ZEPPONI: Sewer, there are two existing sewer connections, one is at Corporate Drive and the other is an easement that goes through the easterly side of the property that's already been stubbed out to service this lot. So we're tying this portion of the property on the right-hand side into the easements and back portion of the property will tie into Corporate Drive.

MR. ARGENIO: Mark, don't we have, do we not have issues with the sewer in that area?

MR. EDSALL: There are concerns with the areas of the sewer in that region and I have advised Dick McGoey my partner that this application is pending reminded him and he's evaluating the situation as we speak.

MR. ARGENIO: Dick's looking at it?

MR. EDSALL: Cause they're working on that with John Agido and I believe Greg Shaw who's representing



another developer is looking at that section so there's some problems.

MR. VAN LEEUWEN: There's been problems there as long as I've been sitting here.

MR. ARGENIO: Similar to the other applications, Mark has several pages of comments, I'm not going to endeavor to read every one of them but there are some things that I know certain people on this board do focus on.

MR. EDSALL: Just as an update, I will jump in for a minute. The first comment second paragraph kind of drops off and doesn't really say much, the memo that was also handed out separately was what that comment should have been concluding to state is that they have in fact at this point worked with our office to get the SWPPP in a generally acceptable form. There is a couple minor corrections that are going to be done by the final SWPPP but nothing that would be of concern at this point. Once Joe Szarowski of our office advised me that that very significant hurdle these days was accomplished, I then took the time to go through the plans a little closer and I have provided a series of comments to help them continue to move along. So I usually at this point don't even start my detailed reviews until the SWPPP is resolved because it seems--

MR. ARGENIO: But John Z. seems to feel that the SWPPP in a pretty good shape?

MR. EDSALL: They worked with John and he's comfortable with it and I then took the time to go through a little closer to look at the plans.

MR. ZEPPONI: Okay, actually but the four comments that John had in the last letter have been addressed.

MR. EDSALL: Which is fine because they weren't

anything that was going to change the site plan.

MR. ZEPPONI: That was subsequent to.

MR. EDSALL: Yes.

MR. ARGENIO: Well, I'm going to want to take some time to digest this a bit. I think initially, Mark has a comment here I thought I read one about a, yeah, he does have a comment here, eight recycling enclosures to be provided on the site, the distribution to the units needs further--the board is reminded that the applicant intends curb side pickup of garbage and recycling centers. What are we doing here, Mr. Zepponi as far as this refuse issue guys?

MR. ZEPPONI: Well, we had done specific delving into specific detail with the board early on, you had wanted these to look fieldstone approximately halfway up, some posts and a formal wooden roof.

MR. ARGENIO: That's not what I'm asking, Mark says here that your intent per the plans is to have curb side pickup of the garbage so are you going to have the common deposits areas for the garbage or going to have curb side garbage bins?

MR. ZEPPONI: They can be for recycling, they can be structured any way the board would like it. The original intent of the drawings when we put those in was to have the people go to refuse and recycling and it had to be distributed evenly throughout, that's why we came up with eight so we can go either way. Wait, the intent right now the board wants them removed?

MR. ARGENIO: No, I think and Neil was the one that spoke up about this, I think if my memory serves me I think that's better than having the sidewalks littered with bins all over the place and then the wind blows and they blow over and the garbage gets out, somebody's

dog gets into it, who knows what else, raccoon gets into it.

MR. EDSALL: If the centers we'll call them refuse recycling centers are going to cover both sides, both ways and recycling you would need to revise note 12 on a sheet 2 which says you're splitting that service, one's curb side for garbage and the recycling or just recycling?

MR. ZEPPONI: I don't recall where that came from but since it's a later note, I have to go back and look.

MR. EDSALL: If the agreement is that it's going to be two centers for both then just revise note 12. My comments about the distribution I look at travel distance for the recycling centers to see whether or not they're serving the same number of units, sometimes you can shift them so the balance is equal so we can go over that, it's no big deal, it's not too bad.

MR. ARGENIO: Tell me about the phasing, what are you thinking?

MR. ZEPPONI: We broke it into five phases much one of them I believe was five phases each one of them is under each, under the five acres, the thought was to come in, break off the roadway at the five acre site, develop it, we'd use the clubhouse probably as a sales mechanism.

MR. ARGENIO: So that would be first.

MR. ZEPPONI: Early on maybe first, second frankly I didn't bring the phasing not anticipating the discussion and then just work into the project with the phasing one strip at a time that limits it to five acres. We have to be careful, make sure all the utilities within the five acres worked and then some of the access material would be stored in the next phase

and stabilized in a certain area and that would be the phase end that would be beginning to get disturbed as part of the growth of that phase but it was very complicated because the road system making sure the storm water system worked and making sure the water came up and sanitary work, it was fairly complex to be able to do.

MR. ARGENIO: It's not similar anymore?

MR. ZEPPONI: No, it's not.

MR. VAN LEEUWEN: That swamp is not as big as I thought.

MR. ARGENIO: On the bottom?

MR. VAN LEEUWEN: I thought it was a lot bigger than that.

MR. ZEPPONI: Actually, since we met and rechecked the lines they came out.

MR. ARGENIO: I want to read a couple things. I'm not going to read it, the whole thing, there are some things that I'm focused on. The sheet 3, 4 and 5 are identified as utility and grading plans, with sheet 6, 7 and 8 identified as drainage and utility plans. One set of plans should be used to define utility requirements so duplicate review of multiple drawings is not needed and potential conflicts and requirements do not develop. I think that's important, he's a hundred percent right with that.

MR. VAN LEEUWEN: All the water's going to Route 32.

MR. ARGENIO: You should have a drainage and utility plan, Henry, and you should have a grading plan, you shouldn't have utilities overlaid on five different drawings because a lot of times drawing 1 doesn't match

drawing 3 or 5 and you're building from different stuff and sometimes they don't match up.

MR. ZEPPONI: Certainly the underlying thought was there's such a density of things going on that we thought it would be more clear but again if the board wants, would like us to merge them.

MR. ARGENIO: I'm not telling you what to do, I'm just telling you it should be made clear.

MR. EDSALL: I don't think the intent was to merge the plans. The intent was if you're going to show utilities on both, fine, the utility plans should define the utility requirements. So if there happens to be some conflict in the drawings that they build based on the utilities drawings. If for convenience the grading plan also shows utilities, so utilities don't come out of the ground then so be it but we run into a problems with contractors out in the field following the wrong drawing and then the right thing doesn't happen.

MR. ARGENIO: I've been there.

MR. EDSALL: That's why it's near and dear to your heart.

MR. ARGENIO: Yes. Tell me about the, Mark has a comment about a dry stone wall, where is that? Do you have walls here? Where are they and how high are they and what are they made of?

MR. ZEPPONI: Except there are a number of areas where we have walls but one example of a proposed wall to be done in these units.

MR. ARGENIO: How tall are the walls?

MR. ZEPPONI: Top of wall is 240 1/2, bottom wall is

231, in this particular case, there's also a fence running along the top.

MR. ARGENIO: What are you making them out of?

MR. ZEPPONI: Anticipation is dry laid stone.

MR. ARGENIO: Structural wall 10 foot tall?

MR. VAN LEEUWEN: No way cause I know that's not going to hold.

MR. ZEPPONI: Okay.

MR. VAN LEEUWEN: That's not going to hold.

MR. ARGENIO: That's not the, let me just share with you just for a moment typically what we look for and I will give you a very brief history, obviously Jersey, Rockland being developed, well developed and you're seeing everybody slipping a building in here, slipping a building in there, everybody likes these SMU walls, you know, segmental masonry units with the geogrid, et cetera. We have had problems in our town with those and people have had problems with other towns with those type of walls so typically and Mr. Zepponi we're not singling you out, every other applicant that comes gets the same speech. Typically, we look for is if the walls become steep, taller than say 6 feet or so 6 1/2 on the absolute outside we're looking for a different type of wall system, some type of gravity wall where you're using those big concrete blocks that LHV makes up in Kingston, other people make them, Tetz may not the ones made out of waste concrete they make a big block, tell you where you see them, if you get on the Thruway on the left side there on the Newburgh exit just after you come through the toll, look to your left, it's like a cube and you typically fill it full of stone or solid concrete but it's a more substantial wall and it's much more forgiving. However, I will be

very frank with you, we can tell you no, you can use the SMU wall, but I'm going to tell you this, if you insist on using it, there are going to be substantial engineering requirements that we're going to require to ensure that it is built correctly. From where you're sitting, I don't know if you know I'm in the construction business, those large gravity walls are typically about the same price or cheaper than the SMU walls in my experience.

MR. ZEPPONI: We're not here to fight and if you have a thought.

MR. ARGENIO: Mark had a comment, I see the comment about the wall and I see dry stone wall, well, let's talk about how high if you're talking about four foot wall even up as high as five foot if it's done right but a good stone guy it will be fine but you get taller than that you're looking far lot of heartache and your heartache in this arena tends to become Jennifer's heartache and we don't need that.

MR. VAN LEEUWEN: She's got enough headaches, she don't need anymore.

MR. ARGENIO: So I mean I want to take time and I'm sure some of the other guys want to take time to look at the plans a little closer, what can we do here tonight, Mark?

MR. CORDISCO: There are some procedural steps that we can take, lead agency was circulated back in 2006, I don't believe that anyone objected to the planning board being lead agency, the plans were also referred to the Orange County Planning Department but that was as well back in 2006.

MR. ARGENIO: I think these have to be re-referred based on what I'm saying.

MR. CORDISCO: Correct, and technically the Orange County Planning Department is entitled to see revised plans so this is consistent with that, these are significantly revised since that time so--

MR. VAN LEEUWEN: You're right.

MR. EDSALL: If acceptable to the board, I will re-send it to the county planning and I also send it at this point to DOT.

MR. ARGENIO: Yeah, that's, I didn't even touch that and I don't want to touch that tonight because that's going to be another issue, I can tell you that, I don't remember how many units Washington Green was cause I wasn't a member of the board when it was done but they did a widening, they put a suicide lane down the middle of the road and they did a lot of work on 32.

MR. VAN LEEUWEN: I was here at that time.

MR. ARGENIO: It was a lot of work, substantial amount of work.

MR. CORDISCO: We'd like to see the letter from DEC.

MR. ARGENIO: Right, gentlemen, I agree and the boulevard entrance in the front homeowners' going to maintain that?

MR. ZEPPONI: Yes.

MR. ARGENIO: Town's not going to have to mow there?

MR. ZEPPONI: That's correct.

MR. ARGENIO: Okay. Henry?

MR. VAN LEEUWEN: You know, if you want to put stone a real nice stone wall there and it looks beautiful, I



will admit that if you want to put a concrete wall with a lot of stone behind it I have no problem with that, if you know what I mean.

MR. ZEPPONI: We don't know what we're going to encounter in terms of rock going through there but we have had various stops.

MR. ARGENIO: You're going to find boulders, giant Volkswagon size boulders.

MR. ZEPPONI: Some of those we're not uncomfortable going higher if they're that big.

MR. ARGENIO: This is a different discussion, what you should do is you need to show us something that works here and then as you move forward, if you want to digress for whatever reason site conditions or whatever, Mark has a very good flavor of this board's position on this whole wall business.

MR. ZEPPONI: I'm sure my client will accommodate whatever you're looking for.

MR. ARGENIO: Did you do the Quaker Mill Run?

MR. SLUTSKY: Yes.

MR. ARGENIO: Do you guys have anything else on this? Danny?

MR. GALLAGHER: No.

MR. VAN LEEUWEN: I have one other thing. When is that house going to go?

MR. SLUTSKY: Once we start the clearing.

MR. VAN LEEUWEN: Before you get anything, any building permits that house will be gone?

MR. SLUTSKY: I don't want to do any clearing on the land until the map is approved.

MR. VAN LEEUWEN: I understand that but before you get a building permit?

MR. SLUTSKY: Correct, the house will be gone.

MR. VAN LEEUWEN: The house will be gone?

MR. SLUTSKY: Yes.

MR. VAN LEEUWEN: That's where the bats are.

MR. ARGENIO: We should take lead agency.

MR. CORDISCO: At this point the board is lead agency if no other agency's responded within the timeframe.

MR. ARGENIO: What else?

MR. EDSALL: I'll take care of the two referrals.

MR. ARGENIO: Good, do that. We're going to see that again, except think about this as well, the possibility of giving us like a typical architectural rendering, I'm sure your client has three different units in mind or two different units in mind, just a little snapshot of what you're doing there that would be very helpful to have us get an idea. Dominic, photographic?

MR. CORDISCO: Simulations.

MR. ARGENIO: Simulations.

MR. ZEPPONI: Of the elevations or the units?

MR. ARGENIO: Yeah, I think that would be great, we can do that. I don't think it's that big a deal.

MR. ZEPPONI: Alright, so we'll just procedurally--

MR. ARGENIO: Mark's comments.

MR. ZEPPONI: Do you want us to address those, change the drawings then come back again?

MR. EDSALL: I would think because of the size of the drawings set and the size of the project we should probably schedule a separate sit down rather than just trying to cram it into a workshop. So why don't you take a look at the comments, maybe take a first run at them, if you have any questions, give me a call, we'll set up a meeting.

MR. ZEPPONI: And the first one would be say verbal as a dialogue in a letter?

MR. EDSALL: If you want to mark them up and get together we can do that, if you want to red line the drawings we can get together before you start doing the drafting.

MR. ZEPPONI: Okay.

POLYWORKS\_(10-19)

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MR. ARGENIO: Polyworks site plan. This application proposes an addition on the north side of the existing building. The plan was reviewed on a concept basis only.

MR. LOCH: My name is John Loch, I'm an engineer and land surveyor.

MR. ARGENIO: You're at the end of Corporate Drive, is that right?

MR. LOCH: Yes.

MR. ARGENIO: Go ahead.

MR. LOCH: Briefly, there's an existing building here, it's approximately 26,000 square foot building, they work with making plastic bags, basically what they wish to do is put an additional 6,000 square foot addition on the back of the building. It will be used for storage of both materials and product. We'll provide additional paving and turnaround area to get a truck back there.

MR. ARGENIO: How do you know looking at the plan where the addition will go?

MR. LOCH: I would say that it's hatched, it's indicated here where the proposed building is.

MR. ARGENIO: I don't have that.

MR. LOCH: Yes, you do, it's on the second sheet, we provided one sheet, one's labeled existing conditions so we can show the entire property and then a larger scale, we showed the area where we're proposing to work on the site and now that you found the right sheet I think it's a little bit easier to understand the north

side of the building we're looking at putting in an addition 150 feet by 40 foot wide, it adds 6,000 square foot for storage purposes.

MR. ARGENIO: Storage?

MR. LOCH: Yes.

MR. ARGENIO: I want to read Mark's comment to you, given the fact that the existing height and proposed height will be non-conforming, every effort should be made by the applicant to match the existing building height with the addition to avoid the need for a variance from the ZBA. Are you on board with that?

MR. LOCH: Yes.

MR. ARGENIO: So we don't further increase any currently existing non-conformities.

MR. LOCH: It is our intention to match the floor grade of the building and to match the height of the building.

MR. VAN LEEUWEN: Who owns that building now?

MR. LOCH: The building?

MR. EDSALL: Just if I can interject, the basis of that comment about the height is your bulk table now shows that the existing building is 19.6 but what you're proposing to build is 22.6, three foot difference.

MR. BIDDISCOMBE: There was an addition put onto that roof.

MR. ARGENIO: Sir, would you please step forward, give your name to Franny?

MR. BIDDISCOMBE: Kevin Biddiscombe.

MR. ARGENIO: Are you the owner?

MR. BIDDISCOMBE: No, I'm just vice president.

MR. ARGENIO: With Polyworks?

MR. BIDDISCOMBE: Yes.

MR. ARGENIO: Okay.

MR. EDSALL: The bottom line if the existing height is 22.6 then you should say existing 22.6, don't show you're making it taller, show the real height and show that you're matching it.

MR. LOCH: I'll check the height on the buildings.

MR. ARGENIO: What are we incinerating?

MR. BIDDISCOMBE: We print on plastic and we use solvents which contain VOCs and all the VOCs are to be run through an incinerator before they're discharged.

MR. ARGENIO: DEC issues?

MR. BIDDISCOMBE: We have a DEC permit.

MR. ARGENIO: That's good because we had another business in town years ago that was using solvents to clean filing cabinets and there is a lawsuit that's still ongoing, yes?

SUPERVISOR GREEN: Yes.

MR. ARGENIO: For some contaminated wells, that's why I asked the question. So it's monitored by the DEC?

MR. BIDDISCOMBE: Yes.

MR. LOCH: We have noted that we have a DEC permit, I'd suggest that we put the permit number right on the plan.

MR. EDSALL: And if you could just send a copy of the latest permit just to put on file.

MR. LOCH: Okay.

MR. VAN LEEUWEN: Good idea.

MR. ARGENIO: You're going to have to go to county because you're within 500 feet of 32, that's what it is, we have no control over that. No offset issues, Mark, I guess, huh?

MR. EDSALL: No, and again, it's because whatever nonconformities they have as long as they don't make them worse, they're okay.

MR. ARGENIO: Do you have a dumpster?

MR. BIDDISCOMBE: Yes, we do.

MR. ARGENIO: Could you show that on the plan, sir? I don't see it, would you put it, here's the deal, let's do some procedural things. Any reason we can't take lead agency on this?

MR. EDSALL: I'm not aware of any other involved agencies so yeah.

MR. ARGENIO: I'll accept a motion the we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON            AYE  
MR. BROWN               AYE  
MR. GALLAGHER           AYE  
MR. VAN LEEUWEN        AYE  
MR. ARGENIO             AYE

MR. ARGENIO: We have declared ourselves lead agency.  
Yeah, I don't, just I don't see a lot here.

MR. VAN LEEUWEN: They've show us where the dumpster  
is.

MR. ARGENIO: What do you have there for water? Do you  
have a well?

MR. LOCH: It has a well.

MR. BIDDISCOMBE: We have town water and we have a well  
we do not use.

MR. ARGENIO: You should show that on the plan.

MR. LOCH: I do have the well shown.

MR. BIDDISCOMBE: We do not use it.

MR. ARGENIO: Note that on there, that's important.  
Town water's better?

MR. BIDDISCOMBE: We have a fire system, a sprinkler  
system so we have to, the well could never supply it.

MR. VAN LEEUWEN: Well, the well could if you had a big  
tank.

MR. ARGENIO: Giant one.

MR. EDSALL: Mr. Chairman, since you raised the issue  
of water and sewer, we've got a situation where



Corporate Drive apparently there's a longstanding mystery as to who owns the sewer line and all the details about the sewer line and who owns the water line and information about the water line.

MR. ARGENIO: I think after tonight Mr. Slutsky owns the sewer line, I hate to say it.

MR. EDSALL: Clearly indicated that he was going to rebuild both so we'll keep our eyes open for that. But we have a unique opportunity where we've got now two applicants that use those facilities and in fact there was the third property owner across the street from you folks who are going to be making an application if they follow through on the workshop, God knows this should be the time to straighten that out and nail down the utilities. Supervisor's indicated to me that in concept if those lines are rebuilt to municipal standards which Mr. Slutsky appeared to indicate tonight was on his game plan that the town in fact do take those two utilities over on Corporate Drive so just keep, we'll try to keep you abreast of it but I think we should solve that problem.

MR. ARGENIO: What does it have to do with him?

MR. EDSALL: He's tied into him so--

MR. VAN LEEUWEN: You know how that happened, the Silver Fox put it in at night on the weekend.

MR. ARGENIO: I don't know what else we need to talk about. Does anybody else have anything?

MR. EDSALL: I'll send it to the county planning.

MR. ARGENIO: Mark, you need to do that, that's really we have to do it, you're not exempt from the law. Thank you very much.

COVINGTON\_ESTATES\_SUBDIVISION\_(08-11)

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MR. ARGENIO: Last item on tonight's agenda is the reapproval request for reapproval for Covington Estates off Route 300. We talked about these things before with the economy the way it is, a lot of builders aren't building, they spent a fortune on property and plans and approvals.

MR. VAN LEEUWEN: We even set it up in stages for him.

MR. ARGENIO: Yes, we did. Nothing has changed on this application other than just the time. Problem is the project is two lot minor subdivision, the planning board was lead agency and negative declaration was previously declared. There's been no change, planning board previously waived public hearing for the application. The board should decide if a hearing should be waived. Again, prior to this reapproval probably could be waived, there's been no changes as I said but we'll talk to everybody about that. I recommend that if the board, reading from Mark's comments, I recommend that if the board considers reapproval the same should be subject to the same identical decisions as the formal approval.

MR. CORDISCO: I prepared a resolution that outlines all the prior conditions and that it is on the agenda as a two lot subdivision and there was a two lot minor subdivision but there was also site plan approval and so I prepared resolutions, both of them are coming up for expiration, so I prepared both, one for subdivision and one for site plan.

MR. ARGENIO: Are we speaking tonight to reapprove both of them or just the subdivision?

MR. CORDISCO: Both because they're both expiring in September.

MR. ARGENIO: Would make sense to have it.

MR. CORDISCO: I received a call from Michele Babcock representing the applicant, they have made a timely request, it doesn't expire until September.

MR. ARGENIO: Why didn't they do the subdivision? They can do the subdivision.

MR. VAN LEEUWEN: We even set it up in stages.

MR. EDSALL: It's good that they're now paralleling each other so I would agree we should do both.

MR. ARGENIO: You're ahead of the curve because it's not expired but I just wanted to ask the question to Dominic, see if you had an answer.

MR. EDSALL: I would suggest that you have the both expire 360 days from today so we don't have the staggering situation.

MR. ARGENIO: Motion for reapproval.

MR. VAN LEEUWEN: With the condition that Mark just said for both.

MR. CORDISCO: In the current resolutions that I prepared they're both running together now.

MR. ARGENIO: Henry made a motion to reapprove both of them so they run currently, that's the subdivision and the site plan.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

August 11, 2010

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MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Nothing else to come before the board,  
motion to adjourn.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

